

LDC (Proposed) Report		Application number	2019/3191/P
Officer Joshua Ogunleye		Expiry date 03/09/2019	
Application Address 96 Goldhurst Terrace London NW6 3HS		Authorised Officer Signature	
Conservation Area South Hampstead		Article 4 Basement extension Part 1, Schedule 2 of the GDPO	
Proposal Change of use from two bedsits (Class C4) on the lower ground floor to one self-contained flat (Class C3)			
Recommendation:		Grant certificate	

Background

The application site is a three storey, mid-terrace Victorian property on the northern side of Goldhurst Terrace. It is currently divided into multiple self-contained flats (potentially in excess of 7). This application relates to the lower ground floor flat which is currently in use as 2 bedsits that share one bathroom. The existing bedsits are registered as Lower ground floor front and Lower ground floor rear. The proposal is to convert them into one 2 bedroom self-contained flat.

On 14 November 2018, planning permission ref: 2018/2530/P was refused for the "erection of a single storey rear extension at lower ground floor level associated with the conversion of 2 bedsits into 1 x 3 bed self-contained flat and erection of a cycle store to the front elevation. (Class C3)." The application was refused including on the grounds of an objection to the loss of shared housing. In considering the application, the officer's delegated report at Paragraph 2.2 referenced Section 3.79 of Local Plan 2017 which states that "for the purposes of Policy H3 we will treat small houses in multiple occupation (Use Class C4) in the same way as self-contained homes (Use Class C3), and will resist the loss of two or more units in multiple occupation." Thus the current use had been assessed to fall within Class C4.

Class L of Part 3 of Schedule 2 of the GPDO 2015 (as amended) states that, subject to conditions, permitted development is 'Development consisting of a change of use of a building—

- (a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule'.

The applicants argue that accordingly the proposed change of use of the property to a one Class C3 flat should be deemed to be lawful.

Class L – small HMOs to dwellinghouses and vice versa		
If yes to any of the questions below the proposal is not permitted development		Yes/no
L.1	<i>Development is not permitted by Class L if it would result in the use</i>	No
Comments:		
L.1 (a)	<i>as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or</i>	
Comment	<p>Officers note that the host building has been subdivided into 3 self-contained flats on the first, second and third floor together (considered as C3 use) with two bedsits on the ground floor (considered as a small HMO in C4 use). The GPDO definition of ‘dwellinghouse’, <u>except in Part 3</u> of Schedule 2 (changes of use), does not include a building containing one or more flats, or a flat contained within such a building. In this case however, the flats can be considered as dwellinghouses for the purposes of Part 3.</p> <p>GPDO definition of ‘building’ includes any structure or erection and <u>includes any part of a building</u>. In this case the ground floor of the property is one dwelling unit within Class C4 and is part of a building.</p> <p>The proposal involves part of a building changing from one planning unit as a small HMO in Class C4 to another planning unit as one self-contained flat in Class C3. As the proposal does not involve the creation of two or more separate C3 flats within this part of the building, the conversion is considered to comply with the Class L criteria.</p>	
L.1 (b)	<i>as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.</i>	no
Comment	This criteria is not relevant in this case as the proposal involves conversion from Class C4 to Class C3, not vice-versa.	

Comment

The application is to determine whether the proposal would be lawful and would not require planning permission for the proposed conversion. Evidence submitted by the application has sufficiently demonstrated that the application would be in accordance with the above criteria.

Conclusion

As the development would be in accordance with the criteria and conditions, a Certificate of Lawfulness can be issued on the basis that the development would comply with condition L.1(a) of Class L, Part 3, Schedule 2 of the GDPO (2015).